

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CORTEZ DAUNDRE JONES,

Plaintiff,

v.

DEPARTMENT OF JUSTICE,

Defendant.

CASE NO. 2:23-cv-1195

ORDER DISMISSING CASE

Plaintiff Cortez Daundre Jones requested leave to proceed *in forma pauperis* against the Department of Justice. Dkt. No. 1. Offering no specific details, Plaintiff’s proposed complaint generally alleges that the Department of Justice committed civil rights, property, antitrust, and arbitration violations. Dkt. No. 1-1 at 3. U.S. Magistrate Judge Michelle L. Peterson issued a Report and Recommendation (“R&R”), recommending that the Court deny Plaintiff’s IFP application because he had not “demonstrate[d] that he cannot afford the ‘\$402 filing fee.’” Dkt. No. 4 at 1–2. Plaintiff objected to the R&R, providing the Court more detail about his financial situation. Dkt. No. 8.

1 The Court has reviewed Plaintiff's proposed complaint, his IFP application, and the other  
2 files on record, and it finds Plaintiff's filings devoid of any factual or legal details demonstrating  
3 the basis for the Court's continued jurisdiction or the plausibility of Plaintiff's claims for relief.

4 Addressing the jurisdictional issue first, the Court has an ongoing duty to ensure that it  
5 has jurisdiction over Plaintiff's claims. *Leem v. Bank of Am. Home Loans*, No. C13-1517RSL,  
6 2014 WL 897378, at \*1 (W.D. Wash. Mar. 6, 2014) (citing *Watkins v. Vital Pharm., Inc.*, 720  
7 F.3d 1179, 1181 (9th Cir. 2013); Fed. R. Civ. P. 12(h)(3)). The Court may raise the issue on its  
8 own accord, and "[i]f, at any time the Court determines that it lacks subject matter jurisdiction,  
9 the Court must dismiss the action." *Id.* Here, Plaintiff purports to sue the Department of Justice  
10 for tort claims and property loss, but he fails to assert his compliance with the Federal Tort  
11 Claims Act's administrative requirements or to identify some other waiver of the government's  
12 sovereign immunity. *See Gillespie v. Civiletti*, 629 F.2d 637, 640 (9th Cir. 1980) ("The timely  
13 filing of an administrative claim is a jurisdictional prerequisite to the bringing of a suit under the  
14 FTCA, ... , and, as such, should be affirmatively alleged in the complaint. A district court may  
15 dismiss a complaint for failure to allege this jurisdictional prerequisite."); *see Vacek v. U.S.*  
16 *Postal Serv.*, 447 F.3d 1248, 1250 (9th Cir. 2006) ("The United States, as sovereign, can only be  
17 sued to the extent it has waived its sovereign immunity.").

18 Next, when it comes to IFP complaints, the Court must dismiss the action "at any time if  
19 the court determines that ... [the complaint] fails to state a claim on which relief may be  
20 granted." 28 U.S.C. § 1915(e)(2); *see Lopez v. Smith*, 203 F.3d 1122, 1127 (9th Cir.  
21 2000) ("[S]ection 1915(e) not only permits but requires a district court to dismiss an [IFP]  
22 complaint that fails to state a claim."). "The standard for determining whether a plaintiff has  
23 failed to state a claim upon which relief can be granted under § 1915(e)(2)(B)(ii) is the same as  
24 the Federal Rule of Civil Procedure 12(b)(6) standard for failure to state a claim." *Watison v.*

1 *Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012). Thus, the complaint “must contain sufficient factual  
2 matter, accepted as true, to state a claim to relief that is plausible on its face.” *Ashcroft v. Iqbal*,  
3 556 U.S. 662, 678 (2009) (internal citation omitted). This standard “does not require ‘detailed  
4 factual allegations,’ but it demands more than an unadorned, the-defendant-unlawfully-harmed-  
5 me accusation.” *Id.* (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007)).

6 Plaintiff’s complaint does not meet the *Twombly/Iqbal* pleading standard because it  
7 contains no factual details at all. Plaintiff used the court’s *pro se* complaint template, which  
8 instructs would-be plaintiffs to “[w]rite a short and plain statement of the[ir] claim,” but Plaintiff  
9 offers nothing to describe the factual basis for his claims. *See Tripathi v. First Nat’l Bank & Tr.*,  
10 821 F.2d 1368, 1370 (9th Cir. 1987) (“An in forma pauperis complaint is frivolous if ‘it had no  
11 arguable substance in law or fact.’”) (internal citation omitted). Thus, his complaint does not  
12 contain any factual basis demonstrating a plausible claim to relief.

13 Ordinarily, when a court dismisses a *pro se* plaintiff’s complaint for failure to state a  
14 claim, it must grant leave to amend even when no request to amend is made. *Yagman v. Garcetti*,  
15 852 F.3d 859, 863 (9th Cir. 2017). But leave to amend may be denied when bad faith or futility  
16 are found. *Id.*; *see also Cal. Architectural Bldg. Prod. v. Franciscan Ceramics*, 818 F.2d 1466,  
17 1472 (9th Cir. 1988) (“Valid reasons for denying leave to amend include undue delay, bad faith,  
18 prejudice, and futility.”). At last count, Plaintiff has filed over 60 lawsuits in the District since  
19 August 2, 2023, which means he has filed more than one lawsuit a day for weeks. So many cases  
20 filed in such a short amount of time supports a finding that Plaintiff is advancing claims without  
21 merit and that leave to amend would be futile.

22 Accordingly, the Court DENIES Plaintiff’s request to proceed IFP and DISMISSES his  
23 complaint without prejudice or leave to amend.

24 Dated this 29th day of September, 2023.



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Jamal N. Whitehead  
United States District Judge

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